

REMARKS

Applicants appreciate the Examiner's thorough consideration provided the present application. Claims 1, 3, 5-17, 19 and 21-35 are now present in the application. Claims 1, 3, 15, 16, 19, 29, 31, 32, 34 and 35 have been amended. Claims 2, 4, 18 and 20 have been incorporated into claims 1 and 16 and hereby cancelled. Claims 1 and 16 are independent. Reconsideration of this application, as amended, is respectfully requested.

Reasons For Entry Of Amendments

Since the amendments to the claims are simply made to incorporate previously presented claims 2, 4, 18 and 20 into claims 1 and 16 or to redirect the dependency of some dependent claims. Accordingly, it is believed that no new issue is raised.

In accordance with the requirements of 37 C.F.R. §1.116, Applicants respectfully request entry and consideration of the foregoing amendments as they remove issues for appeal.

Claim Rejections Under 35 U.S.C. §§ 102 & 103

Claims 1-8 and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lee, U.S. Patent No. 5,706,671. Claims 9-13 and 25-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Kim, U.S. Patent No. 6,112,546. Claims 15 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Yoshikawa, U.S. Patent No. 4,891,952. Claims 16-24 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee. Claims 30-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Seiki, JP 55-75138. These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

In light of the foregoing amendments to the claims, Applicants respectfully submit that these rejections have been obviated and/or rendered moot. Without conceding to the propriety of the Examiner's rejections, but merely to timely advance the prosecution of the application, as the Examiner will note, independent claims 1 and 16 have been amended to respectively incorporate claims 2, 4, 18 and 20. In particular, claims 1 and 16 have been amended to recite a combination of elements including "wherein the evaporator includes a first part exposed to the freezing chamber cold air passage, and a second part exposed to the refrigerating chamber cold air passage, and wherein an outer surface of the first part and the second part is separated by the partition wall for preventing the cold air flowing through respective parts from mixing with each other." Applicants respectfully submit that the above combination of elements set forth in claims 1 and 16 is not disclosed or suggested by the references relied on by the Examiner.

The Examiner referred to the fan louver 6a and the duct 8b of Lee as the outer surface of the first part and the second part of the evaporator. Applicants respectfully disagree. In particular, as clearly shown in FIG. 1 of Lee, the evaporator 4 and the fan louver 6a are spaced apart from each other by the evaporator 6b. In other words, the fan louver 6a is not part of the evaporator 4 and cannot be construed an outer surface of the evaporator 4. In addition, the cool air drawn by the fan 5 will be directly fed into the cyclone generating means 30 and then enter into the freezing chamber 3a through the discharge opening 25 (see FIGs. 2 and 4; col. 4, lines 42-65), not fed to the space covered by the fan louver 6a. Therefore, Lee's fan louver 6a is not "an outer surface of the first part" of the evaporator as recited in claims 1 and 16.

In addition, the Examiner referred to the lower plate (“rp” as annotated by the Examiner) between the chambers 3a and 3b as shown in FIG. 1 of Lee as the partition wall of the claimed invention. However, as shown in FIG. 1 of Lee, the lower plate rp has an opening at its left side communicating the freezing chamber 3a and the refrigerating chamber 3b in order to form a return duct 8. In other words, the lower plate rp having the opening/return duct 8 will cause the cold air flowing through the first part of the evaporator 4 (exposed to the freezing chamber cold air passage) and the second part of the evaporator 4 (exposed to the refrigerating chamber cold air passage) to mix with each other, in order for the cold air flowing through both parts of the evaporator 4 to return to the evaporator 4. Therefore, Lee’s lower plate rp cannot be “a partition wall for preventing the cold air flowing through respective parts from mixing with each other” as recited in claims 1 and 16.

Applicants also respectfully submit that since the cold air flowing through the first part of the evaporator 4 (exposed to the freezing chamber cold air passage) and the second part of the evaporator 4 (exposed to the refrigerating chamber cold air passage) mix with each other, the frost formed due to the temperature difference will be increased. Unlike Lee, in the claimed invention, since the cold air from the freezing chamber and the cold air from the refrigerating chamber do not meet each other at the inlet side of the evaporator, the frost formed due to the temperature difference is reduced. This feature is clearly absent from Lee.

With regard to the Examiner’s reliance on the secondary references, these references have only been relied on for their teachings related to some dependent claims. These references also fail to disclose the above combination of elements as set forth in amended independent claims 1 and 16. Accordingly, these references fail to cure the deficiencies of Lee.

Accordingly, none of the utilized references individually or in combination teach or suggest the limitations of amended independent claims 1 and 16. Therefore, Applicants respectfully submit that amended independent claims 1 and 16 clearly define over the teachings of the utilized references.

In addition, claims 3, 5-15, 17, 19 and 21-35 depend, either directly or indirectly, from independent claims 1 and 16, and are therefore allowable based on their respective dependence from independent claims 1 and 16, which are believed to be allowable.

In view of the above remarks, Applicants respectfully submit that claims 1, 3, 5-17, 19 and 21-35 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 are respectfully requested.

CONCLUSION

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Cheng-Kang (Greg) Hsu, Registration No. 61,007 at (703) 205-8000 in the Washington, D.C. area.

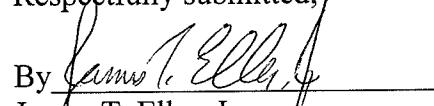
Application No. 10/537,828
Amendment dated November 17, 2008
Reply to Office Action of August 15, 2008

Docket No.: 0465-1354PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: November 17, 2008

Respectfully submitted,

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